

## REMARKS

Examiner has rejected Claims 1-4 as being either anticipated by or unpatentable in view of cited prior-art patents to Smith et al. and Needham. In response thereto, Applicant respectfully notes that Claims 2-4 have been cancelled and, as such, Examiner's rejection of said Claims, either under 35 U.S.C. 102(e) or 103(a), is now moot. Further, Applicant respectfully requests Examiner to note that Applicant has amended Claim 1 and has further added new Claims 5-23.

Applicant respectfully believes that Applicant's invention, as claimed, is not disclosed or taught by the cited references. Specifically, Applicant respectfully notes that Smith does not teach Applicant's apparatus for reversal/humidification of inspiratory gases through a unilimb breathing circuit. Instead, Smith discloses a breathing tube system that simply conveys pre-humidified inspiratory gases (i.e., inspiratory gases humidified by a humidifier) – not inspiratory gas which is subsequently humidified by the condensed moisture within the tube, wherein such condensed moisture accumulated within the tube from prior patient exhalations. Indeed, Smith teaches away from utilizing this accumulated condensed moisture, as Smith states *"It will become readily apparent that condensation makes it both difficult to control the operation of the humidifier to maintain comfortable levels of humidity at the patient..."* (See Smith, Col. 1, lines 45-51). Accordingly, Applicant respectfully contends that Smith does not teach or disclose the apparatus or method of Applicant's reversal and subsequent humidification of inspiratory gases.

## CONCLUSION

The above-made amendments are to form only and thus, no new matter was added. Applicant respectfully believes the above-made amendments now place the Claims and application in condition for allowance. Should there be any questions or concerns, the Examiner is invited to telephone Applicant's undersigned attorney.

Respectfully submitted this 13<sup>th</sup> day of October, 2004.



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